
Introduced by Senator Torlakson

February 18, 2005

An act to amend Sections 33352, 33353, 33354, and 35179 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as introduced, Torlakson. Physical education: California Interscholastic Federation.

Existing law provides the State Department of Education the authority to exercise general supervision over courses of physical education and specified authority over interscholastic athletics. Existing law grants the governing board of a school district authority to regulate interscholastic athletics, including, but not limited to, the authority to enter into associations or consortia with other boards relating to interscholastic athletics, with certain requirements. Existing law also describes the California Interscholastic Federation and provides the intent of the Legislature regarding its policies. Existing law repeals these provisions on January 1, 2007.

This bill would extend the operation of these provisions indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33352 of the Education Code is
2 amended to read:
3 33352. (a) ~~The State Department of Education~~ *department*
4 shall exercise general supervision over the courses of physical
5 education in elementary and secondary schools of the state;
6 advise school officials, school boards, and teachers in the

1 development and improvement of their physical education and
2 activity programs; and investigate the work in physical education
3 in the public schools.

4 (b) The department shall ensure that the data collected through
5 the Coordinated Compliance Review indicates the actual number
6 of minutes of instruction in physical education actually provided
7 by each school district, for the purpose of determining whether
8 each school district is in compliance with the physical education
9 requirements of Sections 51210, 51220, 51222, and 51223.

10 ~~(c) This section shall remain in effect only until January 1,~~
11 ~~2007, and as of that date is repealed, unless a later enacted~~
12 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
13 ~~that date.~~

14 SEC. 2. Section 33353 of the Education Code is amended to
15 read:

16 33353. (a) The California Interscholastic Federation is a
17 voluntary organization that consists of school and school related
18 personnel with responsibility for administering interscholastic
19 athletic activities in secondary schools. It is the intent of the
20 Legislature that the California Interscholastic Federation, in
21 consultation with the ~~State Department of Education~~ *department*,
22 implement the following policies:

23 (1) Give the governing boards of school districts specific
24 authority to select their athletic league representatives.

25 (2) Require that all league, section, and state meetings
26 affiliated with the California Interscholastic Federation be subject
27 to the notice and hearing requirements of the Ralph M. Brown
28 Act (Chapter 9 (commencing with Section 54950) of Division 2
29 of Title 5 of the Government Code).

30 (3) Establish a neutral final appeals body to hear complaints
31 related to interscholastic athletic policies.

32 (4) Provide information to parents and pupils regarding the
33 state and federal complaint procedures for discrimination
34 complaints arising out of interscholastic athletic activities.

35 (b) The California Interscholastic Federation shall report to the
36 Legislature and the Governor on its evaluation and accountability
37 activities undertaken pursuant to this section ~~on or before January~~
38 ~~1, 2005~~ *every five years commencing January 1, 2010.*

39 ~~(c) This section shall remain in effect only until January 1,~~
40 ~~2007, and as of that date is repealed, unless a later enacted~~

1 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
2 ~~that date.~~

3 SEC. 3. Section 33354 of the Education Code is amended to
4 read:

5 33354. (a) ~~The State Department of Education~~ *department*
6 shall have the following authority over interscholastic athletics:

7 (1) The department may state that the policies of school
8 districts, of associations or consortia of school districts, and of
9 the California Interscholastic Federation, concerning
10 interscholastic athletics, are in compliance with both state and
11 federal law.

12 (2) (A) If the department states that a school district, an
13 association, or consortium of school districts, or the California
14 Interscholastic Federation is not in compliance with state or
15 federal law, the department may require the school district,
16 association, or consortium, or the federation to adjust its policy
17 so that it is in compliance. However, the department shall not
18 have authority to determine the specific policy that a school
19 district, must adopt in order to comply with state and federal
20 laws.

21 (B) Notwithstanding any other provision of law, a complainant
22 from a public school who wishes to file a discrimination
23 complaint pursuant to the regulations adopted for the purpose of
24 implementing Section 261 based on interscholastic activities
25 conducted by an association, a consortium of school districts, or
26 by the California Interscholastic Federation, ~~shall is not be~~
27 required to first file a discrimination complaint with a school
28 district, ~~and~~ *but* may file an initial discrimination complaint
29 directly with the department, and the department shall have the
30 authority to specify, with regard to a specific discrimination
31 complaint, the administrative remedies that such an association, a
32 consortium of school districts, or the California Interscholastic
33 Federation must provide in order to comply with state or federal
34 law.

35 (3) If the department states that a school district, association,
36 or consortium, or the federation is not in compliance with state or
37 federal law in matters relating to interscholastic activities, and
38 the school district, association, or consortium, or the federation
39 does not change its policy in order to comply with these laws, the
40 department may commence with appropriate legal proceedings

1 against the California Interscholastic Federation, the school
2 district or against school districts that are members of the
3 California Interscholastic Federation or the association or
4 consortium that the department states is in noncompliance. In a
5 legal proceeding the court shall determine the matter de novo.
6 The department may make recommendations for appropriate
7 remedies in these proceedings.

8 (b) This section ~~shall does not be construed or interpreted to~~
9 limit the discretion of local governing boards, or voluntary
10 associations formed or maintained pursuant to subdivision (b) of
11 Section 35179, in any policy, program, or activity that is in
12 compliance with state and federal law.

13 (c) The state law with which the policies of school districts,
14 associations, or consortia of school districts, and of the California
15 Interscholastic Federation, concerning interscholastic athletics,
16 are required to comply, in accordance with this section, includes,
17 but is not limited to, any regulations issued by the State Board of
18 Education pursuant to Section 232 with regard to discrimination
19 in interscholastic athletics.

20 ~~(d) This section shall remain in effect only until January 1,~~
21 ~~2007, and as of that date is repealed, unless a later enacted~~
22 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
23 ~~that date.~~

24 SEC. 4. Section 35179 of the Education Code is amended to
25 read:

26 35179. (a) Each school district governing board shall have
27 general control of, and be responsible for, all aspects of the
28 interscholastic athletic policies, programs, and activities in its
29 district, including, but not limited to, eligibility, season of sport,
30 number of sports, personnel, and sports facilities. In addition, the
31 board shall assure that all interscholastic policies, programs, and
32 activities in its district are in compliance with state and federal
33 law.

34 (b) Governing boards may enter into associations or consortia
35 with other boards for the purpose of governing regional or
36 statewide interscholastic athletic programs by permitting the
37 public schools under their jurisdictions to enter into a voluntary
38 association with other schools for the purpose of enacting and
39 enforcing rules relating to eligibility for, and participation in,
40 interscholastic athletic programs among and between schools.

1 (c) Each governing board, or its designee, shall represent the
2 individual schools located within its jurisdiction in any voluntary
3 association of schools formed or maintained pursuant to this
4 section.

5 (d) No voluntary interscholastic athletic association, of which
6 any public school is a member, shall discriminate against, or
7 deny the benefits of any program to, any person on any basis
8 prohibited by Chapter 2 (commencing with Section 200) of Part
9 1.

10 (e) Notwithstanding any other provision of law, no voluntary
11 interscholastic athletic association shall deny a school from
12 participating in interscholastic athletic activities because of the
13 religious tenets of the school, regardless of whether that school is
14 directly controlled by a religious organization.

15 (f) Interscholastic athletics is defined as those policies,
16 programs, and activities that are formulated or executed in
17 conjunction with, or in contemplation of, athletic contests
18 between two or more schools, either public or private.

19 ~~(g) This section shall remain in effect only until January 1,~~
20 ~~2007, and as of that date is repealed, unless a later enacted~~
21 ~~statute, that is enacted before January 1, 2007, deletes or extends~~
22 ~~that date.~~